STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
May 22, 2012

In the Matter of M. L. DULLACK, Minor.

No. 306128
Oakland Circuit Court
Family Division
LC No. 09-755522-NA

Before: RONAYNE KRAUSE, P.J., and SAAD and BORRELLO, JJ.

PER CURIAM.

Respondent appeals as of right from the order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(*i*), (g), and (j). We affirm.

Respondent first contends that the trial court erred in finding that there were statutory grounds to exercise jurisdiction over the child following the March 2, 2009 bench trial because he was not notified in a timely manner and thus did not have proper time in which to benefit from services. Respondent concedes that his challenge to this order of adjudication was not properly preserved. However, he contends that he should be permitted to raise this issue on constitutional, due process grounds because he was not present in court for the initial proceedings and that only a minimal inquiry into his presence, availability, and/or the suitability for the minor child to be placed with him was undertaken.

We find no error. At the time of the adjudication proceeding, respondent was only a putative father under MCR 3.903(A)(24) and did not have the same rights as a legal father under MCR 3.903(A)(7). MCR 3.921(B)(1)(a) and (d). The notice to which respondent was entitled as a putative father was governed by MCR 3.921(D), with which the trial court complied. Following the pretrial hearing, a Notice to Putative Father was sent to respondent at his last known address in Battle Creek on February 20, 2009. This notice advised respondent of the nature of the proceedings involving the minor child and ordered him to appear at the adjudication hearing. Respondent failed to attend this hearing. The trial court properly exercised jurisdiction over the minor child on the basis of the evidence admitted at the bench trial, and once the trial court entered the order of adjudication it could properly enter orders affecting respondent after his paternity was established on July 2, 2009. See *In re CR*, 250 Mich App 185, 202-203; 646 NW2d 506 (2001).

Next, respondent avers that the trial court clearly erred in finding that petitioner undertook reasonable efforts toward reunification before terminating his parental rights. We disagree. In general, petitioner is required to make reasonable efforts to rectify the conditions

that resulted in a child's removal from a parent's home through the adoption of a service plan. MCL 712A.18f; *In re Fried*, 266 Mich App 535, 542–543; 702 NW2d 192 (2005). All parents must be included in the development of a service plan. *In re Rood*, 483 Mich 73, 121-122; 763 NW2d 587 (2009). A respondent's parental rights should not be terminated if the petitioner was required to make reasonable efforts to reunite the family but did not provide the services necessary to return the child home. *In re Mason*, 486 Mich 142, 158-159; 782 NW2d 747 (2010); *In re Rood*, 483 Mich at 121-122. The efforts required include reasonable accommodation of any disabilities. *In re Terry*, 240 Mich App 14, 26; 610 NW2d 563 (2000). The failure to accommodate a respondent's disability could provide a basis for the trial court to find that reasonable efforts to reunite the family were not made. *Id*. at 24-26. To successfully claim lack of reasonable efforts, a respondent must establish that he would have fared better if other services had been offered. *In re Fried*, 266 Mich App at 543.

In support of his allegation of error, respondent contends that he was essentially a "nonparticipating parent" at least for the part of the proceedings and that his due process rights were violated because of a lack of notice. This is the extent of respondent's argument regarding this issue. At no point does respondent explain how petitioner's efforts at reunification failed to qualify as "reasonable" or what efforts could reasonably have been made. As such, this issue may be deemed abandoned for the failure to present a meaningful argument or offer any authority on that point. *Berger v Berger*, 277 Mich App 700, 712; 747 NW2d 336 (2008).

We note, however, that respondent presents some challenge to the reasonableness of petitioner's efforts in connection to the trial court's finding that the statutory grounds for termination had been established by clear and convincing evidence. Respondent contends that petitioner could have provided him "with a better opportunity to provide the care for his daughter" and "could have allowed additional services," and suggests that "further instructions or . . . testing" could have been done with respect to his parenting skills. To the extent that these later arguments constitute satisfactory presentation of this issue, relief is nonetheless unwarranted. Respondent offers no explanation of how petitioner could have provided him "with a better opportunity to provide the care for" the minor child. Petitioner provided a 16-week parenting course, a psychological evaluation, mental health treatment, and visitation despite respondent's unusual transportation issues. Furthermore, the record indicates that respondent was provided with "additional services" and "further instructions" with respect to his parenting skills when petitioner re-referred him, and he began a second parenting course.

To constitute "reasonable efforts" such efforts must include reasonable accommodations of any disabilities. The record reveals that as soon as respondent established himself as a legal parent he was provided with a treatment plan that addressed parenting, housing, mental health treatment, visitation, and providing a physical and financial plan for the minor child. Petitioner arranged for parenting classes in respondent's area, and informed the intake counselor of his cognitive limitations and was assured that the classes would be tailored to his needs. Although the caseworker did not investigate the progress respondent was making during the 16-week course, there was no indication in the record that respondent was experiencing any difficulty understanding or integrating any of the materials. After learning that respondent had not successfully completed the course, petitioner re-referred him to a second session of parenting classes. Respondent also received mental health services through Summit Point until he later was dismissed for failing to take his medications.

Additionally, petitioner accommodated respondent's unusual transportation issues by arranging for the foster parents to bring the child to Battle Creek for visitation. Petitioner attempted to conduct a housing study, but was thwarted by respondent's refusal and acknowledgment that his housing was not appropriate for him and the minor child. Thus, we find the record as a whole does not support his assertion that the trial court clearly erred in finding that reasonable efforts at reunification were made before termination of his parental rights.

Respondent next contends that the trial court clearly erred when it found that the statutory grounds for termination of his parental rights had been established by clear and convincing evidence. However, respondent does not actually challenge the trial court's findings but instead continues his previous arguments that termination was improper because he was not notified of the proceedings in a timely manner and the services he was provided did not constitute a reasonable effort by petitioner at reunification. We have addressed both of these contentions earlier and find them to be without merit. Nevertheless, our review of the record convinces us that the trial court did not clearly err in finding that the statutory grounds relied upon to support the termination of respondent's parental rights were established by clear and convincing evidence. *In re Mason*, 486 Mich at 152; *In re B & J*, 279 Mich App 12, 17; 756 NW2d 234 (2008).

Lastly, respondent challenges the trial court's finding that termination of his parental rights was in the best interests of the minor child because his love for his daughter was not questioned, there was some evidence of a bond, he wanted to plan for the child and had a home and income to maintain support, and he was not afforded sufficient time to engage in additional reunification efforts. Contrary to respondent's implication, the extent of his "bond" with the minor child was the appearance that the child no longer seemed as fearful of him during visitation and would at times engage in play. However, the child continued to turn to the foster mother for comfort, respondent continued to require encouragement to engage the child during visitation, and respondent never participated in traditional parenting activities such as diaper changing or feeding. Respondent refused an opportunity to show his case worker his home, expressing his awareness that it was not large enough for him and the child together, and did not pursue his stated desire to plan for the child by investigating larger residences or acquiring steady employment.

We note that the minor child was removed from her mother's care when she was a week old. She was never in the care of respondent, and respondent had never provided care for his other children. Respondent had been receiving sporadic medication and treatment for his chronic mental health issues and appeared to the trial court during the best-interest hearing to be confused and grandiose in his thinking.

The minor child has a chromosomal abnormality and was deemed to have special needs, which would be significant stressors to respondent, resulting in increased confusion and mental stress. We find no clear error in the trial court's finding that termination of respondent's parental rights was in the best interests of the child. MCR 3.977(K); *In re Jenks*, 281 Mich App 514, 516-517; 760 NW2d 297 (2008).

Affirmed.

/s/ Amy Ronayne Krause
/s/ Henry William Saad
/s/ Stephen L. Borrello